

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:09-CV-501-RLV-DCK**

TERESA ALEXANDER,)	
)	
Plaintiff,)	
)	
vs.)	ORDER OF REMAND
)	PURSUANT TO SENTENCE
MICHAEL J. ASTRUE,)	SIX OF 42 U.S.C. § 405(g)
Commissioner of Social Security,)	
)	
Defendant.)	

THIS MATTER IS BEFORE THE COURT on Defendant’s “Motion For Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g)” (Document No. 9) filed April 28, 2010. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is ripe for disposition. Plaintiff has failed to file a timely response.

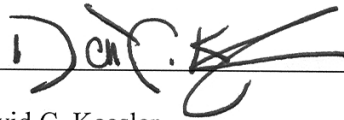
Having carefully considered the motion, and for good cause shown, the undersigned will grant the motion.

The United States of America, through counsel, has moved this Court, pursuant to Sentence Six of 42 U.S.C. § 405(g), to enter an order remanding this case to the Commissioner for further administrative proceedings. See Melkonyan v. Sullivan, 501 U.S. 89, 100 n.2 (1991); Shalala v. Schaefer, 509 U.S. 292, 297 n.2. (1993).

Remand is necessary because the Commissioner is unable to locate the recording of the administrative hearing. If the recording cannot be located within a reasonable period of time, the Appeals Council will remand the case to an Administrative Law Judge for a new hearing.

IT IS THEREFORE ORDERED that the Defendant’s “Motion For Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g)” (Document No. 9) is hereby **GRANTED**.

Signed: May 18, 2010



David C. Keesler
United States Magistrate Judge

